

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 43,560 SF TO 21,570 SF; AND (2) MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 150 FT TO 92.18 FT IN THE A-1 (AGRICULTURE DISTRICT); (KENDALL HESTER, APPLICANT).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Earnest McDonald **CONTACT:** Earnest McDonald **EXT.** 7430

Agenda Date 01-26-04 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 43,560 SF TO 21,570 SF; AND (2) MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 150 FT TO 92.18 FT IN THE A-1 (AGRICULTURE DISTRICT); (KENDALL HESTER, APPLICANT); OR
2. **DENY** THE REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 43,560 SF TO 21,570 SF; AND (2) MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 150 FT TO 92.18 FT IN THE A-1 (AGRICULTURE DISTRICT); (KENDALL HESTER, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(Commission District #2, Morris)

(Earnest McDonald, Principal Coordinator)

GENERAL INFORMATION	KENDALL HESTER, APPLICANT FORT LANE ROAD GENEVA, FL 32732	A-1 DISTRICT, LDC SECTION 30.127 (BUILDING SITE AREA REGULATIONS)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANT DESIRE TO CONSTRUCT A SINGLE-FAMILY HOME ON A LOT THAT FAILS TO MEET THE MINIMUM WIDTH AT THE BUILDING LINE REQUIREMENT ESTABLISHED FOR THE A-1 DISTRICT. • A MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 150 FT TO 92.18 FT IS THEREBY REQUESTED. • THE SUBJECT PROPERTY IS AN EXISTING NONCONFORMING LOT OF RECORD (CREATED PRIOR TO THE ADOPTION OF SUBDIVISION REGULATIONS ON JULY 28, 1970); BEFORE A SINGLE-FAMILY HOME CAN BE CONSTRUCTED ON THE PROPERTY, A VARIANCE FROM MINIMUM LOT SIZE AND MINIMUM WIDTH AT THE 	

	BUILDING LINE MUST BE APPROVED BY THE BOARD OF ADJUSTMENT.
STAFF FINDINGS	<p>STAFF HAS DETERMINED THE FOLLOWING:</p> <ul style="list-style-type: none">• THE SUBJECT LOT WAS A LOT OF RECORD IN 1970. THE ADOPTION OF SEMINOLE COUNTY SUBDIVISION REGULATIONS CONSEQUENTLY RENDERED THE LOT NONCONFORMING WITH RESPECT TO THE A-1 DISTRICT MINIMUM LOT WIDTH AT THE BUILDING LINE. THIS CIRCUMSTANCE WOULD ORDINARILY CONSTITUTE A HARDSHIP, IF NOT FOR THE ABILITY OF THE PROPERTY OWNER TO ELIMINATE THE NEED FOR THE REQUESTED VARIANCES BY COMBINING THE SUBJECT PROPERTY WITH ABUTTING PROPERTIES THAT ARE UNDER THE SAME OWNERSHIP.• POLICY FLU 3.2, ADOPTED SEPTEMBER 11, 1991, REQUIRES THE RECOMBINATION OF PROPERTIES WHEN VARIANCES CAN BE NEGATED. STAFF HAS DETERMINED THAT THE SUBJECT PROPERTY AND THE ABUTTING PROPERTIES TO THE EAST AND WEST ARE JOINTLY OWNED BY KENDALL HESTER AND BARBARA J. SULLIVAN. CONSISTENT WITH THE INTENT OF THIS POLICY, THE OPPORTUNITY EXISTS TO ELIMINATE THE NONCONFORMITY OF THE SUBJECT PROPERTY WITHOUT THE NEED FOR THE REQUESTED VARIANCES.• BASED ON THE PREVIOUS FINDINGS, STAFF BELIEVES THE GRANT OF THE REQUESTED VARIANCES WOULD CONFER SPECIAL PRIVILEGES DENIED TO OTHER PROPERTIES IN THE A-1 DISTRICT, FOR THE REQUESTED VARIANCES COULD BE NEGATED THROUGH THE RECOMBINATION OF PROPERTIES UNDER COMMON OWNERSHIP.• FOR THE ABOVE STATED REASONS, THE REQUESTED VARIANCES WOULD NOT BE THE MINIMUM THAT WOULD MAKE POSSIBLE THE REASONABLE USE OF THE PROPERTY AND WOULD OTHERWISE BE NONCOMPLIANT WITH THE LAND DEVELOPMENT CODE.
STAFF RECOMMENDATION	<ul style="list-style-type: none">• STAFF RECOMMENDS DENIAL OF THE REQUESTED VARIANCES, UNLESS THE APPLICANT CAN DEMONSTRATE A HARDSHIP. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE IMPOSITION OF THE FOLLOWING CONDITIONS:<ul style="list-style-type: none">○ ANY VARIANCE GRANTED SHALL APPLY ONLY TO THE PROPERTY DEPICTED ON THE SITE PLAN.○ ANY ADDITIONAL CONDITION(S) DEEMED APPROPRIATE BY THE BOARD, FOLLOWING INFORMATION PRESENTED AT THE PUBLIC HEARING.



1101 EAST FIRST STREET
SANFORD, FL 32771
(407) 665-7444 PHONE (407) 665-7385 FAX

APPL. NO.

BY 2003-194

COPY

APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division.

APPLICATION TYPE:

☒ **VARIANCE** for width at the ~~the~~ building line from 150' to 192.18'

☐ **SPECIAL EXCEPTION**

☐ **MOBILE HOME SPECIAL EXCEPTION**

☐ **EXISTING OR PROPOSED REPLACEMENT**

MOBILE HOME IS FOR

YEAR OF MOBILE HOME 1992 SIZE OF MOBILE HOME 14' x 70'

ANTICIPATED TIME MOBILE HOME IS NEEDED

PLAN TO BUILD ☐ YES ☒ NO IF SO WHEN

MEDICAL HARDSHIP ☐ YES (LETTER FROM DOCTOR REQUIRED) ☐ NO

☐ **APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT	
NAME	KENDALL HESTER	DAN MYERS	
ADDRESS	2148 TURNBERRY DR.	1541 BDR WHITE	
CITY	OWLEDO, FL 32765	CHULUOTA FL 32766	
PHONE 1	407-365-1539		
PHONE 2		407 365 1524	
E-MAIL			

PROJECT NAME:

SITE ADDRESS: 2518 FORT LANE RD. GENEVA, FL 32732

CURRENT USE OF PROPERTY: VACANT LAND

LEGAL DESCRIPTION: ATTACHED

SIZE OF PROPERTY: .76 acre(s) PARCEL I.D. 24/20/32/503/0000/00A3

UTILITIES: ☒ WATER ☐ WELL ☐ SEWER ☐ SEPTIC TANK ☐ OTHER

KNOWN CODE ENFORCEMENT VIOLATIONS

IS PROPERTY ACCESSIBLE FOR INSPECTION ☒ YES ☐ NO

This request will be considered at the Board of Adjustment regular meeting on 12/2/03 (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

Kendall W. Hester
SIGNATURE OF OWNER OR AGENT

12/2/03
DATE

* Proof of owner's authorization is required with submission if signed by agent.

ADDITIONAL VARIANCES

VARIANCE 2:

Min. lot size variance from 1 acre (43560SF) to 0.76 acre (33,410 SF)

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

VARIANCE 8:

APPEAL FROM BOA DECISION TO BCC

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME		
ADDRESS		
PHONE 1		
PHONE 2		
E-MAIL		

NATURE OF THE APPEAL

BCC PUBLIC HEARING DATE

FOR OFFICE USE ONLY

PROCESSING:

FEE: 150 COMMISSION DISTRICT 2 FLU / ZONING A1/CONS

LOCATION FURTHER DESCRIBED AS

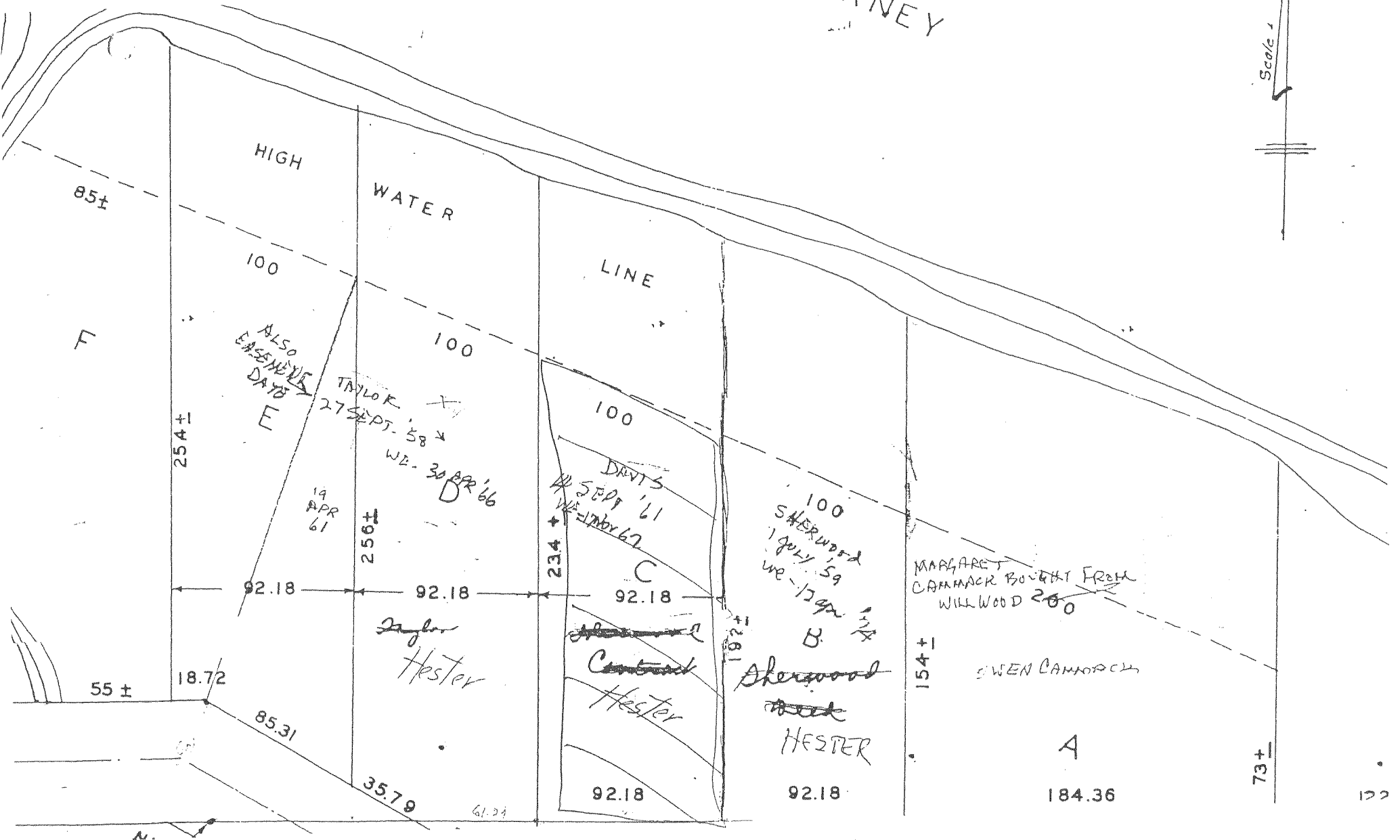
PLANNER Steiger


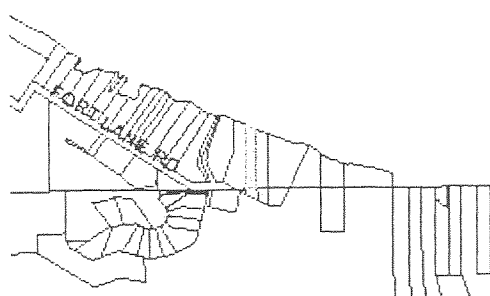

DATE 12/3/03

SUFFICIENCY COMMENTS Check for abutting ownership to eliminate variance

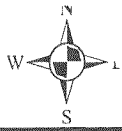
IRNEY

Scale 1" = 100'

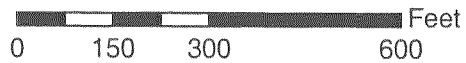
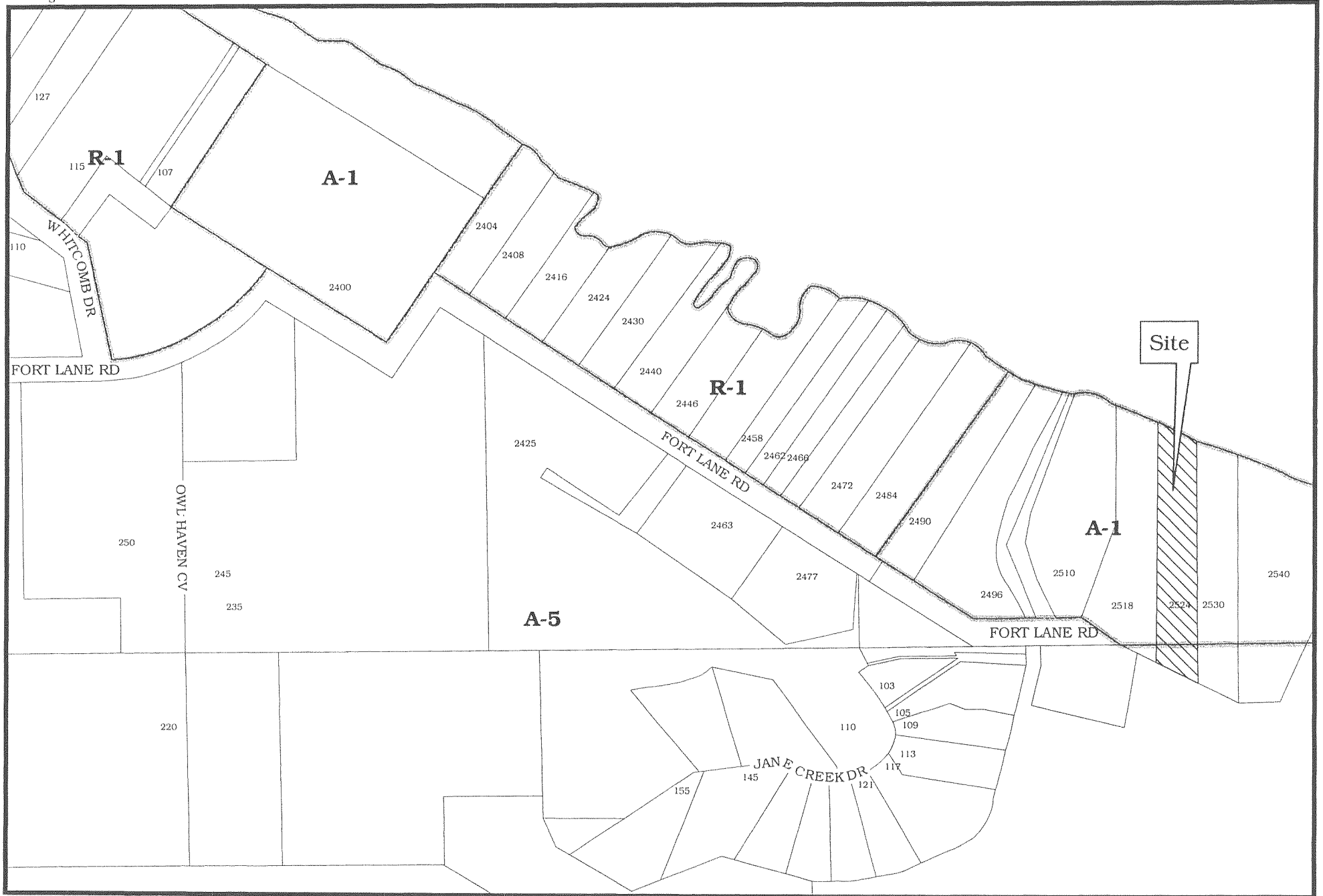


PARCEL DETAIL	PARCEL MAP	AERIAL PHOTO	SALES SEARCH																		
 <p>Seminole County Property Appraiser Services 1001 E. First St. Sanford FL 32771 407-665-7506</p>																					
<p align="center">GENERAL</p> <p>Parcel Id: 24-20-32-503-0000-00A3 Tax District: 01-TX DIST 1 - COUNTY</p> <p>Owner: HESTER JEANNE J HEIRS TRUSTEE Exemptions: <i>A-1</i></p> <p>Own/Addr: FBO</p> <p>Address: 2518 FORT LANE RD</p> <p>City,State,ZipCode: GENEVA FL 32732</p> <p>Property Address: FORT LANE RD GENEVA 32732</p> <p>Subdivision Name: LAKE HARNEY BEACH</p> <p>Dor: 00-VACANT RESIDENTIAL</p>		<p align="center">2004 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 0</p> <p>Depreciated Bldg Value: \$0</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$48,964</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$48,964</p> <p>Assessed Value (SOH): \$48,964</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$48,964</p>																			
<p align="center">SALES</p> <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>PROBATE RECORDS</td> <td>10/2002</td> <td>04571</td> <td>0885</td> <td>\$100</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1996</td> <td>03023</td> <td>0396</td> <td>\$100</td> <td>Vacant</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	PROBATE RECORDS	10/2002	04571	0885	\$100	Vacant	WARRANTY DEED	01/1996	03023	0396	\$100	Vacant	<p align="center">2003 VALUE SUMMARY</p> <p>2003 Tax Bill Amount: \$839</p> <p>2003 Taxable Value: \$48,964</p> <p align="center">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>	
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<p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																					





Kendall Hester 2518 Fort Lane Road



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 26, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG W 92.18 FT OF E 491.36 FT OF LOT A LAKE HARNEY BEACH PB 7 PG 91

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owners: JEANNE J. HESTER HEIRS TRUSTEE
2518 FORT LANE ROAD
GENEVA, FL 32732

Project Name: 2518 FORT LANE ROAD

Requested Development Approval:

1. MINIMUM LOT SIZE VARIANCE FROM 43,560 SF TO 21,570 SF; AND
2. MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 150 FT TO 92.18 FT IN THE A-1 (AGRICULTURE DISTRICT)

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Earnest McDonald
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 1. The minimum lot size and width variances shall apply to the property as depicted on the attached site plan.
- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Matthew West
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2004.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: